DEPARTMENT OF HEALTH AND HUMAN SERVICES

g11564 Public Health Service SEH

Food and Drug Administration
New Orleans District Office
6600 Plaza Drive, Suite 400
New Orleans, LA 70127

April 5, 2001

VIA FEDERAL EXPRESS

FACILITY ID# 221355

Patricia Perry, M.D.
HealthStar Physicians, P.C.
420 West Morris Boulevard, Suite 400-F
Morristown, TN 37813

Warning Letter No. 01-NSV-21

Dear Dr. Perry:

Your facility was inspected on March 30, 2001 by a representative of the State of Tennessee on contract to the Food and Drug Administration (FDA). This inspection revealed that your facility failed to comply with the Quality Standards for Mammography (Standards) as specified in Title 21, Code of Federal Regulations (CFR), Part 900.12, as follows:

Level 1

Failed to produce documents verifying that the interpreting physician [redacted] met the initial requirement of holding a valid state license to practice medicine.

Level 2

Failed to produce documents verifying that the interpreting physician [redacted] met the initial experience requirement of having interpreted or multi-read 240 mammograms within 6 months prior to your facility's accreditation or prior to the implementation of the Mammography Quality Standards Act regulations.

Failed to produce documents verifying that the interpreting physician [redacted] met the initial requirement of having completed 40 hours of medical education in mammography prior to April 28, 1999.

Failed to produce documents verifying that the interpreting physician [redacted] met the initial experience requirement of having interpreted or multi-read 240 mammograms within 6 months prior to your facility's accreditation or prior to the implementation of the Mammography Quality Standards Act regulations.

Failed to produce documents verifying that the interpreting physician [redacted] met the initial requirement of having 40 hours of medical education in mammography prior to April 28, 1999.

Level 2 (cont.)

Failed to produce documents verifying that the interpreting physician [redacted] met the initial requirement of having 60 hours of category I medical education in mammography.

These specific deficiencies appeared on the Post Inspection Report, which was sent to your facility by the state inspector along with instructions on how to respond to these findings. These deficiencies may be symptomatic of serious problems that could compromise the quality of mammography at your facility and potentially overexpose both patients and employees involved with mammography.

It is your responsibility to ensure adherence to each requirement of the Mammography Quality Standards Act of 1992 (MQSA) and FDA's regulations. You are responsible for investigating and determining the cause of these deficiencies as identified and to promptly initiate permanent corrective action.

If you fail to properly address these deficiencies, FDA may, without further notice, initiate regulatory action. Under MQSA, FDA may:

- impose civil money penalties on a facility of up to $10,000 for each failure to substantially comply with, or each day of failure to comply with the Standards.
- suspend or revoke a facility's FDA certificate for failure to comply with the Standards
- seek an injunction in Federal court to prohibit any mammography activity that constitutes a serious risk to human health.

Within 15 working days after receiving this letter, you should notify FDA in writing of each step your facility is taking to prevent the recurrence of any similar violations.

If your facility is unable to complete these corrective actions within 15 working days, you should state the reason for the delay and the time within which the corrections will be completed.

Your reply should be directed to Joseph E. Hayes, Compliance Officer, Food and Drug Administration, 297 Plus Park Boulevard, Nashville, Tennessee 37217, telephone 615/781-5389, extension 125, with a copy to the State of Tennessee. Should you have questions regarding this letter or MQSA standards, you may call Karen Smallwood, Radiation Specialist, at 615/781-5380, extension 144.

Sincerely,

Patricia K. Schafer

Patricia K. Schafer
Acting Director, New Orleans District

CED:KRS:man

Cc: Darlene Nalepa-Whitmill
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